

Theresa Rice

From: Diane Berry on behalf of PCD
Sent: Thursday, August 04, 2011 8:52 AM
To: Kathy Cook; Libby Hudson; Ryan Ericson; Theresa Rice
Subject: FW: Submittal for workshop on 8-4
Attachments: comments on designations and map for CC-PC workshop.docx

From: Alicetaw@aol.com [<mailto:Alicetaw@aol.com>]
Sent: Wednesday, August 03, 2011 11:25 PM
To: PCD
Subject: Submittal for workshop on 8-4

Please transmit the attached letter to the Planning Commission and City Council for the workshop on 8/4.

Thank you.

Alice Tawrescy

Bainbridge Shoreline Homeowners
206.842.4127

**Bainbridge Shoreline Homeowners
PO Box 11611
Bainbridge Island, WA 98110**

TO: Planning Commission and City Council

RE: Shoreline Designations Map and Regulations

ABOUT THE RECOMMENDATION FROM THE WORK GROUPS

At the outset of the SMP revision, Bainbridge Shoreline Homeowners were afraid of a large (150 feet?) uniform buffer around the whole island. So, we said we wanted multiple buffer designations. This was interpreted to mean that the residential lots should be divided up into two designations with most of the residential lots in conservancy. What we meant and what we should have said is that the buffer designations for single family residences should be left at the current amount, with changes to areas that have potential for conservation of resources, such as undeveloped lots.

WHAT WE WANT.

1. The Planning Commission and the Council must consider the map and the regulations together. The decision makers must consider the impact of making such a large increase (from current 8.4% to 48.1% in restricted Conservancy designations.
2. Properties containing existing, lawfully built residential structures must not be included in a Shoreline Conservancy designation since state law clearly states that new regulations are intended to apply to future development and changes in land use. WAC 173.26.191(2)(a)(iii)(A) states "Local government may find it necessary to regulate existing uses to avoid severe harm to public health and safety or the environment and in doing so should be cognizant of constitutional and other legal limitations on the regulation of private property." Clearly, there is not all of a sudden a "severe" threat of "harm to public health, safety or the environment" on 42% of the shoreline.
3. Wider vegetation buffers required in Residential Conservancy designations should not apply to existing homes. WAC 173-26-221(5)(a) says, "...Like other master program provisions, vegetation conservation standards do not apply retroactively to existing uses and structures."
4. The Planning Commission and the City Council should recommend that the all shorelines with existing lawfully built residential structures should be designated Residential with a buffer equal to the buffer under the current SMP unless it can be proven that there is a severe threat of harm to public health, safety or the environment on an individual property.